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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,328	08/01/2003	Kam Fai Fung	884.0198USU	4199

7590 05/13/2005

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EXAMINER

DOAN, ROBYN KIEU

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/633,328

Applicant(s)

FUNG, KAM FAI

Examiner

Robyn Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/17/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 4, 6, 10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pao (4137926) in view of Warner et al (5339477).

With regard to claims 1-3, 4, 6, 10 and 12-13, Pao discloses a nail care system (figs. 1-2 and 5) comprising a hand tool (fig. 2) being operated by a battery (3, 4) and having a controller (8), a plurality of adapter heads (48, 49) for interfacing with the hand tool, one of the adapter heads being a rotary motion adapter head, a base housing (39, fig. 5) having a storage compartment (41) for storing the hand powered tool and the plurality of motion adapter heads (fig. 5), the system further comprising a lid (40) being hingedly connected to the base housing. Pao does not disclose the base housing having an aperture defining a cavity therethrough and a manicure bowl with a front wall, a sidewall and a floor, the manicure bowl being selectively received in the cavity such that front wall of the bowl being flush with an exterior surface of the base housing at an interface between the front wall and the exterior surface of the base housing. Pao also does not disclose one of the adapter heads having linear motion and the lid being at

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least partially translucent. Warner et al discloses a nail care system (fig. 1) comprising a base housing (12) having an aperture and defining a cavity therethrough (fig. 1), the base housing also including a drawer (20) inherently being used as a manicure bowl which has a front wall, a sidewall and a floor, the manicure bowl is selectively received in the cavity such that front wall of the bowl being flush with an exterior surface of the base housing at an interface between the front wall and the exterior surface of the base housing. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the base housing as taught by Warner et al into the nail care system of Pao for the purpose of removing nail polish and it would also have been an obvious matter of design choice to construct one of the adapter heads having linear motion for the intended use purpose. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the translucent material for the lid, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pao in view of Warner et al as applied to claim 1 above, and further in view of Sussman (D278367).

With regard to claim 5, Pao in view of Warner et al disclose a nail care system comprising all the claimed limitations in claim 1 as discussed above except for the floor of the manicure bowl being contoured to support a hand and fingers. Sussman

discloses a manicure bowl (fig. 1) comprising a floor being contoured to support a hand and fingers. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the contoured floor as taught by Sussman into the nail care system of Pao in view of Warner et al for the purpose of supporting the hand and fingers of the user.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pao in view of Warner et al as applied to claim 1 above, and further in view of Blackshear (5787903).

With regard to claims 7-8, Pao in view of Warner et al disclose a nail care system comprising all the claimed limitations in claim 1 as discussed above except for fan disposed in an interior space of the base housing and a heater. Blackshear discloses a manicure system (10) comprising a fan (42) and a heater (46). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to construct the fan and the heater as taught by Blackshear into the nail care system of Pao in view of Warner et al for the purpose of circulating air.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pao in view of Warner et al as applied to claim 1 above, and further in view of Grimm (4979523).

With regard to claim 9, Pao in view of Warner et al disclose a nail care system comprising all the claimed limitations in claim 1 as discussed above except for at least one of an ultraviolet source. Grimm discloses a nail care system (fig. 1) comprising a

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housing (1) comprising an ultraviolet source (4). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the ultraviolet source as taught by Grimm into the nail care system of Pao in view of Warner et al for the purpose of providing a radiation source which is specific to the purpose of intended.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pao in view of Warner et al as applied to claim 1 above, and further in view of Paule (361366).

With regard to claim 11, Pao in view of Warner et al disclose a nail care system comprising all the claimed limitations in claim 1 as discussed above except for the hand tool having a light source disposed thereon. Paule discloses a nail powered hand tool (fig. 1) comprising a light source (38) disposed thereon. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the light source as taught by Paule into the nail care system of Pao in view of Warner et al for the intended use purpose.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cho is cited to show the state of the art with respect to a nail care system.

The drawings filed 08/01/03 have been approved by the Examiner.

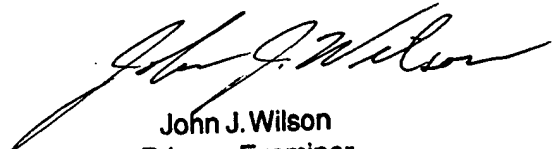
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robyn Doan  
April 27, 2005



John J. Wilson  
Primary Examiner